Remarks

Applicant respectfully traverses the § 102(a) rejection of claims 1-9 because the '809 reference does not qualify as prior art under § 102(a) and because the '809 reference, which does not appear to correspond to numerous aspects of the claimed invention, as discussed in detail below. Specifically, the '809 reference appears to have been first published on March 18, 2004 (as US 2004/0051382), whereas the claimed invention is entitled to priority dates of at least November 5, 2003 (via PCT/IB03/04970) and November 15, 2002 (via EP 02102594.5). Accordingly, the finality of the instant Office Action is improper and must be withdrawn.

The instant Office Action dated February 13, 2009 listed the following new grounds of rejection: claims 1-9 stand rejected under U.S.C. § 102(a) over Gavrila (U.S. Patent No. 7,157,809); and claims 10-18 stand rejected under U.S.C. § 103(a) over the '809 reference in view of Poon (U.S. Patent No. 6,188,209). Applicant traverses all of the rejections and, unless explicitly stated by the Applicant, does not acquiesce to any objection, rejection or averment made in the Office Action.

Applicant respectfully traverses the § 102(a) rejection of claims 1-9 and the § 103(a) rejection of claims 10-18 because the '809 reference does not correspond to aspects of the claimed invention directed to opening an additional current path when the output voltage across an output capacitor reaches a predetermined maximum value. Instead, the '809 reference teaches that the feedback signal FB (*i.e.,* the voltage across current source Isrc) controls the load current Iload independent of the inductive DC convertor output voltage Vout (*i.e.,* the asserted output voltage), independent of the load impedance Zload, and depending only on the performance and output impedance of the current source Isrc in series with the load impedance Zload. *See, e.g.,* Col. 5:51-60, Col. 6:7-19 and Figure 12. Thus, the '809 reference does not teach opening the asserted additional current path when the output voltage Vout reaches a predetermined maximum value (as in the claimed invention), and the '809 reference does not teach controlling the asserted additional current path based on the value of the load impedance Zload (as asserted by the Examiner on page 2 of the instant Office Action). Applicant further notes that the '809 reference does not teach controlling the load impedance Zload (*i.e.,* the asserted circuit element of the additional current path) to open/close the asserted additional current. Instead, the '809

reference teaches controlling the current source Isrc to open/close the asserted additional current path independent of the output voltage Vout. *See, e.g.,* Col. 7:42-52.

In an effort to facilitate prosecution, Applicant has amended claim 1 to recite that the feedback circuit is configured to control the circuit element to open the additional current path responsive to the output voltage across the output capacitor. The '809 reference does not teach controlling the load impedance Zload or the current source Isrc to open the asserted additional current path responsive to the output voltage Vout. Thus, the § 102(a) rejection of claims 1-9 is improper and Applicant requests that it be withdrawn.

With regard to the § 103(a) rejection, Applicant submits that the addition of the '209 does not address the above discussed deficiencies of the '809 reference. Thus, the Examiner's proposed combination of the '809 and '209 references does not correspond to the claimed invention. In addition, Applicant notes that the asserted additional current path in the '209 reference (which contains inductor L502 and switch S503) is not in parallel with capacitor C501 (*i.e.,* the asserted output capacitor) as in the claimed invention, but is instead arranged in parallel with inductor L502 (*i.e.,* the asserted inductor). *See, e.g.,* Figure 9. Accordingly, the § 103(a) rejection of claims 10-18 is improper and Applicant requests that it be withdrawn.

In view of the remarks above, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the agent overseeing the application file, Peter Zawilski, of NXP Corporation at (408) 474-9063 (or the undersigned).

Please direct all correspondence to:

Corporate Patent Counsel
NXP Intellectual Property & Standards
1109 McKay Drive; Mail Stop SJ41
San Jose, CA 95131

CUSTOMER NO. 65913

By: 

Name: Robert J. Crawford
Reg. No.: 32,122
651-686-6633 x2300
(NXPS.302PA)